

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
Sheena Bence Williams) CASE NO. 16-54723-PMB
)
)
DEBTOR.)

**CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

COMES NOW Adam M. Goodman, Chapter 13 Trustee, and objects to confirmation of the plan and files this motion to dismiss under 11 U.S.C. Section 1307(c), for cause, including the following reasons:


1. Debtor has failed to attend the 11 U.S.C. Section 341 hearing.
2. The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).
3. The Debtor has failed to maintain payments into this case as required by 11 U.S.C. Section 1326.
4. The Debtor has failed to provide copies of all pay advices received within sixty (60) days of filing the instant case, in violation of 11 U.S.C. Section 521(a)(1)(B)(iv).
5. The Debtor has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
6. In accordance with General Order No. 18-2015 and the annexed Statement of Rights and Responsibilities, the Debtor's attorney should timely provide proof of Debtor's \$1,148.00 per month employment income, \$305.00 per month sister's contribution income, \$200.00 per month brother's contribution income, and \$250.00 per month part-time employment income to the Chapter 13 Trustee. 11 U.S.C. Sections 521(a)(1), 1325(a)(3), 1325(a)(6), 1325(b)(1)(B) and Bankruptcy Rule 1007.
7. The Debtor proposes a \$175.00 per month plan payment and attorney's fees are \$3,878.00. The Debtor's counsel proposes to be paid up to 3,878.00 in the initial post-confirmation disbursement with the balance paid at \$145.00 per month. This disbursement schedule may not be fair and equitable to all creditors and interested parties involved in this case. 11 U.S.C. Section 1325(a)(3), General Order 18-2015.

Adam M. Goodman, Chapter 13 Trustee
Suite 200 – 260 Peachtree Street, N.W.
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8. Pursuant to information received from the Internal Revenue Service, 2015 tax returns have not been provided to the taxing authorities; thereby, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 Plan, in violation of 11 U.S.C. Sections 1322(d) and 1325(a)(6).

9. The Plan should be amended to include a provision that, "Any federal tax refunds the Debtor is entitled to receive during the applicable commitment period shall be paid into the Debtor's Chapter 13 case. Further, the Debtor authorizes and instructs the Internal Revenue Service to send any refund for said years directly to the Debtor's Chapter 13 Trustee. Upon written request to the Chapter 13 Trustee, the Debtor may retain up to \$1,500.00 of a tax refund without a motion being filed." 11 U.S.C. Sections 1325(a)(3) and 1325(b)(1)(B).

WHEREFORE, Trustee moves this Honorable Court to inquire into the above objections at the separately scheduled and noticed confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case, and for such other and further relief that this Court deems just and proper.


/s/ Shamma Iqbal

Shamma Iqbal

GA Bar No. 344037

Attorney for Chapter 13 Trustee

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CERTIFICATE OF SERVICE

This is to certify that I have this day served:

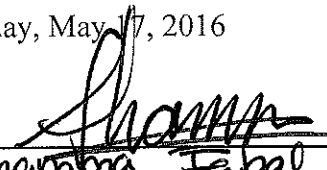
DEBTOR(S):
Sheena Bence Williams
3621 Meadowglen Village Lane
Apt. H
Atlanta, GA 30340

DEBTOR(S) ATTORNEY:
BERRY & ASSOCIATES
2751 BUFORD HWY NE, STE 600
ATLANTA, GA 30324

in the foregoing matter with a copy of this Objection to Confirmation & Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

Tuesday, May 17, 2016

/s/


Sharmila Iqbal
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